UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.417
7 October 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

SUMMARY RECORD OF THE 417th MEETING

Held at the Palais des Nations,
on Friday, 3 October 1997, at 3 p.m.

Chairperson: Miss MASON

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GE.97-18404 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Trinidad and Tobago (CRC/C/11/Add.10; CRC/C/Q/TRI/1) (continued)

1. At the invitation of the Chairperson, Ms. Sampson and Ms. Camps (Trinidad and Tobago) resumed places at the Committee table.

2. The CHAIRPERSON invited the delegation to reply to earlier questions on the situation of children in conflict with the law.

3. Ms. SAMPSON (Trinidad and Tobago) said that she was not aware of any case of children in jail having to purchase their own medication. All juveniles under 16 in conflict with the law were referred to St. Michael's Industrial School for Boys or St. Jude's Home for Girls, where the basic necessities, including medication, were provided by the State. For juveniles on remand, the same situation should prevail, certainly with regard to remand homes which were within the purview of the Ministry of Social Development.

4. The CHAIRPERSON noted that paragraph 153 of the report stated that the death sentence was not permitted for persons under the age of 18 years. She took it that, in the case of a capital offence like murder, the juvenile would be given a life sentence or detained "during the State's pleasure". That would appear to contravene article 37 (a) of the Convention, which prohibited "imprisonment without the possibility of release". She would also like to know what exactly was meant by "during the State's pleasure".

5. With reference to reform schools, the delegation had stated that it was possible for juveniles to attend secondary schools to take the common entrance examination. That would seem to contradict the State's declared intention to avoid stigmatizing children in custody, since such children would be likely to be singled out for bullying by other pupils.

6. In general, she wished to put on record the Committee's concern about the inadequacy of the whole juvenile justice system in Trinidad and Tobago and its seeming inability to expedite cases relating to juveniles, partly due to the lack of courts dealing specifically with juvenile cases.

7. Mrs. SARDENBERG, referring to question 51 of the list of issues (CRC/C/Q/TRI/1), which asked for information on the implementation of recommendations made by the inter-ministerial committee in 1994, noted that the Government had stated in its written replies that two or three measures were planned: had those measures yet been implemented? It appeared that St. Michael's Industrial School for Boys, which had burned down in 1985, had still not been rebuilt and she would like some information on its current state. In relation to institutions in general, the Committee had received reports of ill-treatment and physical and sexual abuse of inmates of children's homes. How did the Government intend to address that problem, in the light of article 25 of the Convention, which required a periodic review of placement, and of article 3, which required that institutions should conform with the standards established by competent authorities?

8. Ms. SAMPSON (Trinidad and Tobago) said that the staff of industrial schools took care to liaise with the staff of secondary schools to ensure that the process of entry was as painless as possible. In any event, since children attending a secondary school would come from a number of different areas, it would not be immediately apparent that any particular child was from an industrial school.

9. With regard to St. Michael's Industrial School for Boys, phase 1 of the reconstruction process, which included dormitories, a new administration building and a dining hall, had been completed and tenders were now being sought for phase 2, which would include a basket ball court, recreational facilities and trade shops.

10. On the question of how the recommendations of the inter-ministerial committee were being implemented, she had already mentioned the Community Mediation Bill and the setting up of a half-way house for juveniles released from institutions. Recently, a national action plan against crime had been formulated, and the implementation committee, which until now had been studying recommendations on juvenile delinquency and youth crime, would no longer be a separate body, but would be subsumed into that plan. A task force had been appointed to look into allegations of abuse in children's homes and had produced a report recommending, among other measures, the licensing of children's homes, the creation of a multi-disciplinary inspectorate and the setting up of a unified authority for children's affairs. Rules and procedures for the running of children's homes had already been developed by the Family Services Division and the task force had recommended that they should be made law.

11. Ms. CAMPS (Trinidad and Tobago), referring to access by juveniles to the court system, said that magistrate's courts, which dealt with minor offences, had special divisions for trying juveniles. However, for more serious offences, which would go before a jury in the High Court, the young offender would be placed on remand and, unfortunately, the speedy settlement of such cases was not always guaranteed. For instance, a case of double murder, committed by a youth of 16 years of age, had not actually come to court until the youth was 18 years of age. He had been sentenced to "detention during the State's pleasure", which was likely to be a minimum of 20 years unless a review was made or pressure was brought to bear on the Government. Prisoners facing long sentences could have their sentences reviewed and might be discharged, usually by presidential pardon, but cases of children in that category were rare and she did not have statistics to indicate how they had been, or might be, dealt with in future.

12. The CHAIRPERSON invited the members of the Committee to make preliminary oral concluding observations on the report.

13. Mrs. PALME said she had been glad of the opportunity to meet the delegation. The answers given had shown that dynamic work was going on in Trinidad and Tobago in relation to many of the issues of concern to the Committee.

14. She understood that the concept of the best interests of the child, set out in article 3 of the Convention, was reflected in the prohibition of cruel or unusual treatment or punishment under the Constitution. At the same time, however, flogging was routinely ordered by the courts and was also used as a means of discipline in prisons. There thus seemed to be a lack of congruency between the legal framework and the social changes now under way, for instance in relation to children with disabilities and to the monitoring of the care of children in institutions and foster homes.

15. According to article 44, paragraph 6, of the Convention, States parties were required to "make their reports widely available to the public in their own countries", thus raising awareness of children's rights in all sectors of society. She hoped that the Committee's own recommendations would also facilitate dialogue, discussion and decision making on the subject in Trinidad and Tobago.

16. Mrs. SARDENBERG thanked the delegation for its willingness to reply to questions. It was very important that the Government should reaffirm its commitment to the Convention and have the necessary political will to implement it. The delegation's statement that it would use the Convention and the report to the Committee as tools for mobilizing support for children's rights was very positive.

17. On the other hand, she had been struck by the culture of violence in the country and by the prevalence of corporal punishment, domestic violence and criminality. Those problems should be dealt with in the context of the Convention, which promoted a new approach to children and youth, not only in the home, but also in school and in society. She stressed the need for new legislation and for ensuring that policies for children were State policies, which would not be affected by changes of administration. More work needed to be done in the area of dissemination and awareness-raising, especially in the training of professionals. The problem of financial constraints could be overcome by making more use of international cooperation through the United Nations Children's Fund (UNICEF) and non-governmental organizations. Above all, there should be a combined effort to eliminate the culture of violence.

18. Mrs. OUEDRAOGO, congratulating the delegation on its fruitful dialogue with the Committee, said it was clear that Trinidad and Tobago was committed to implementing the Convention as an ongoing multi-sectoral process; both the activities planned and the results achieved were encouraging.

19. However, further measures needed to be taken with regard to the dissemination of the Convention, awareness raising, the strengthening of coordination and legislative reform. More should be done to combat violence in the family and to reduce maternal mortality rates and research should be carried out into the problem of hidden discrimination and conditions in institutions and foster homes. She urged the Government to use its dialogue with the Committee to help ensure the survival of the children of Trinidad and Tobago and their participation in development.

20. Mr. RABAH expressed appreciation of the fruitful discussion. He pointed out that, while developing countries were not always able to finance the measures needed to ensure the welfare of their children, overmuch dependence

on NGOs and religious institutions was not a good policy for the future, especially with regard to such sensitive issues as alternative care, children's homes and street children. The fact that Trinidad and Tobago had as yet no bilateral or multilateral agreements on the illicit transfer and abduction of children could be a problem in the future. The juvenile justice system and the regime in jails and detention centres also gave cause for concern, in particular the placing of girl offenders in women's jails. More research should be done, and more data provided so that those problems could be dealt with effectively.

21. Mr. KOLOSOV said that, while he agreed that the implementation of the Convention was a continuing process and that there was always room for improvement, improvements would be more easily achieved with the active participation of children themselves. Society should be made to understand that children had their own rights and that they were first-class, not second-class, citizens.

22. The Committee's formal concluding observations would stress the need for the main principles of the Convention - the right to life, survival and development, non-discrimination, respect for the views of the child, and the best interests of the child - to be better reflected in all measures taken by the State party. It was clear that there was an understanding of existing problems and of the need for change, but there had been more good intentions than achievements. The next report by the State party in five years' time would be a good opportunity for the Government to give an account of what it had actually achieved in all the areas covered by its report. One of the most important of those was education in human rights and he suggested that a special programme on the subject might be launched.

23. The CHAIRPERSON thanked the delegation for the frankness and openness it had shown in the course of a very constructive dialogue. A change in administration should not be a reason for abandoning the commitment to children undertaken at the time of ratification of the Convention.

24. The Committee recognized that the Government had taken a number of steps in the right direction, beginning with legislative reform. However, education and awareness-raising should be stepped up and the training of the judiciary and law enforcement personnel improved. A proper system of data collection was essential for determining policies relating to children.

25. The Government should work together with community and religious leaders to bring about changes in public attitudes towards such issues as corporal punishment and the minimum age for marriage. There was a need to establish a Family Court and to reform the general education system to take better account of the views of the child. The juvenile justice system also needed to be reformed so that inordinate delays could be avoided and the placement system required review.

26. The Committee's concluding observations would serve as a framework for the country's second periodic report to be submitted in five years' time and the Committee looked forward to receiving that report.

27. Ms. SAMPSON (Trinidad and Tobago) thanked all members of the Committee for their advice and comments. Her Government recognized the need for greater community involvement, including the involvement of children, in implementing the Convention, and was already working to that end. For instance, the views of children had been taken into account in plans for the reform of the education system. It was the Government's intention to ratify the Hague Convention on Inter-country Adoption in the near future. She hoped that she had not conveyed the impression that, because of the change in administration, there was no longer a commitment to children's rights. That change had simply meant a slight delay in the implementation process.

28. On its return, her delegation would draw the Government's attention to comments made by the Committee on the areas of most concern to it, so that they could be taken into account in formulating policy. She assured the Committee of her country's continuing commitment to implementation of the Convention.

The meeting rose at 3.55 p.m.